IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

IRENE GRACE, on behalf of herself and all others similarly situated,))
Plaintiff,)
v.) Civil Action No. : 3:06-cv-306
FAMILY DOLLAR STORES, INC.,)
Defendant.)

DEFENDANT'S RESPONSE CONSENTING TO MOTIONS TO DISMISS OPT-IN PLAINTIFFS DONNA SANCHEZ, JOANNE K. MULLIS-SWAIN AND DOROTHY L. EVANS WITH PREJUDICE

COMES NOW Defendant, Family Dollar Stores, Inc. (hereinafter "Defendant" or "Family Dollar"), by and through its counsel, and files its Response Consenting to Plaintiffs' Motions to Dismiss Opt-in Plaintiffs Donna Sanchez, Joanne K. Mullis-Swain and Dorothy L. Evans With Prejudice.

Plaintiff Irene Grace filed her Complaint in the Middle District of Georgia alleging that Family Dollar misclassified her as an exempt employee in violation of the Fair Labor Standards Act ("FLSA"). Thereafter, Ms. Grace sought to maintain this action as a collective or class action. Subsequently, Judge W. Louis Sands transferred this case to Western District of North Carolina. Plaintiff's motion for conditional certification is currently pending before this Court. Family Dollar opposes Plaintiff's motion to facilitate nation-wide notice pursuant to 29 U.S.C. 216(b). (*See* Parties' Certification and Report of Initial Attorneys' Conference filed September 25, 2006 (doc. # 16).)

On January 25, 2007, Donna Sanchez and Dorothy L. Evans filed opt-in consent forms

(doc. # 21), seeking to join Ms. Grace in her FLSA Complaint. On March 1, 2007, Joanne K. Mullis-Swain filed an opt-in consent form (doc. # 38).

Subsequently, on March 14, 2007, Opt-in Plaintiff Donna Sanchez filed a motion to dismiss her claims with prejudice (doc. # 41). On March 15, 2007, Opt-in Plaintiff Joanne K. Mullis-Swain filed her motion to dismiss with prejudice (doc. # 42). On March 22, 2007, Opt-in Plaintiff Dorothy L. Evans filed her motion to dismiss with prejudice (doc. # 47).

Defendant responds to Plaintiffs' motions (doc. # 41, 42, & 47) and informs the Court that it consents to the dismissal of Opt-in Plaintiffs Donna Sanchez, Joanne K. Mullis-Swain and Dorothy L. Evans with prejudice as requested in their respective motions.

Dated: March 26, 2007

s/ Jerry H. Walters, Jr.

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Attorneys for Defendant Family Dollar Stores, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I also certify that I have served a copy of the foregoing and a copy of the Notice of Electronic Filing by US Mail upon the following non-CM/ECF participants:

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Dated this the 26th day of March, 2007.

s/ Jerry H. Walters, Jr.
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